Per G.S. Singhvi, CJ

This writ petition is directed against order dated 10-06-2005 passed by Appellate Authority for Industrial and Financial Reconstruction whereby the appeal filed by the petitioner under Section 25 of the Sick Industrial Companies (Special Provisions) Act, 1985 against order dated 04-12-2002 passed by the Board for Industrial and Financial Reconstruction was dismissed as barred by limitation.

A perusal of the order sheets of this petition shows that the case was adjourned on 06-10-2005 and again on 07-10-2005 at the request of the learned counsel for the petitioner. Today, we asked the learned counsel to show the order under challenge because copy thereof has not been annexed with the writ petition. However, the counsel could not refer to the relevant document.

In our opinion, the writ petition is liable to be dismissed because the order under challenge has not been placed on its record. In **Surinder Singh v. Central Government,** the Supreme Court held as under:

> ".....whenever an order of Govt. or some authority is impugned before the High Court under Art.226 of the Constitution, the copy of the order must be produced before it. In the absence of the impugned order it would not be possible to ascertain the reasons which may have impelled the authority to pass the order.
>
> It is therefore improper to quash an order which is not produced before the High Court in a proceeding under Art.226 of the Constitution."

For the above reason, the writ petition is dismissed leaving the petitioner free to file fresh petition for challenging the order dated 10-06-2005.

G.S. SINGHVI, C.J.

Date:20-12-2005

R. SUBHASH REDDY, J

PV / svs

HONOURABLE SRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SRI JUSTICE R. SUBHASH REDDY

WRIT PETITION No.21202 OF 2005

Between:

Canara Bank
a body Corporate constituted under the
Banking Companies (Acquisition & Transfer of
Undertakings) Act, 1970,
Rep. by its Chief Manager Sri K.J. Morab,
S/o. Sri J.G. Morab, aged 55 years,
Resident of Hyderabad.
Office: 112, J.C. Road, Bangalore-560 002
and a Circle Office at Himayathnagar, Hyderabad.

.. Petitioner

AND

M/s. Appellate Authority for Industrial
Finance & Reconstruction,
Bench-II, Rep. by its Manager,
Jawahar Vyapar Bhavan,
No.1, Tolstoy Marg, New Delhi – 110 001
& 4 others

.. Respondents

::ORDER::

Counsel for the petitioner : Mr. B.S. Prasad

Counsel for Respondents 1 & 2: Mr. A. Rajasekhar Reddy
Asst. Solicitor General.

Counsel for Respondent No.4 : Mr. P.V. Markandeyulu

Counsel for Respondent No.5 : Mr. Nuty Ram Mohan Rao

20th December, 2005